

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

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MDL No. 2419

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THIS DOCUMENT RELATES TO:

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All cases concerning Specialty Surgery Center,  
Kenneth R. Lister, M.D., and Kenneth Lister,  
M.D., P.C.

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**MOTION FOR ACCESS TO THE RUST/OMNI REPOSITORY**

Come now the defendants, Specialty Surgery Center, Crossville, PLLC (“SSC”), Kenneth R. Lister, M.D. (“Dr. Lister”), and Kenneth Lister, M.D., P.C. (“Dr. Lister’s Practice”) (collectively “the Defendants”), by and through counsel, pursuant this Court’s Order dated June 21, 2013 [Dkt. No. 192], and respectfully move this Honorable Court to grant them access to the documents contained in the Rust/Omni repository which relate to the following cases as they all involve plaintiffs who have filed suit against the Defendants:

<b>Suit Style</b>	<b>U.S.D.C. - Middle District of Tennessee Docket No.</b>
Elizabeth Bray v. Unifirst Corporation, A/D/B/A/ Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, and Kenneth R. Lister	1:13-cv-12596-FDS
Peggy B. Bumgarner and Roger D. Bumgarner v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, Kenneth Lister, M.D., P.C., and Kenneth R. Lister, M.D.	1:13-cv-12679-FDS
Wilma S. Carter v. Ameridose, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Bio Pharma, Inc., D/B/A Analytical Research laboratories, Barry J. Cadden, Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla	2:13-cv-00129-FDS

Conigliaro, Glenn A. Chin, Specialty Surgery Center, PLLC and Kenneth R. Lister, M.D.	
Wilma S. Carter and Lawrence Carter v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC and Kenneth R. Lister, M.D.	1:13-cv-12187-RWZ
Judy Collins v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, and Kenneth R. Lister	1:13-cv-12580-FDS
Wanda J. Cox and Perry Cox v. Ameridose, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Bio Pharma, Inc., D/B/A Analytical Research laboratories, Barry J. Cadden, Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla Conigliaro, Glenn A. Chin, Specialty Surgery Center, PLLC and Kenneth R. Lister, M.D.	1:13-cv-12918-FDS
Wanda Dingess v. Ameridose, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Bio Pharma, Inc., D/B/A Analytical Research laboratories, Barry J. Cadden, Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla Conigliaro, Glenn A. Chin, Specialty Surgery Center, PLLC and Kenneth R. Lister, M.D.	1:13-cv-12490-FDS
Bobby A. Foster and Delores Kivett Foster v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services and Specialty Surgery Center, PLLC	1:13-cv-12686-FDS
Dorothy A. Fuelling and Richard E Fuelling v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, Kenneth Lister M.D., P.C., and Kenneth R. Lister, M.D.	1:13-cv-12741-FDS
Craig E Weaver, Son of the Deceased and Administrator Ad Litem of Estate of Patricia A. Gambaccini v. Unifirst Corporation A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, Kenneth Lister M.D. P.C., and Kenneth R. Lister M.D.	1:13-cv-12681-FDS
Danette Graham v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, and Kenneth R. Lister, M.D.	1:13-cv-12581-FDS
Georgianne Hubbard v. Unifirst Corporation D/B/A Uniclean Cleanroom Services and Specialty Surgery Center, PLLC D/B/A Specialty Surgery Center	1:13-cv-12922-FDS

Linda Jackson v. Unifirst Corporation, D/B/A Uniclean Cleanroom Services, and Specialty Surgery Center, PLLC D/B/A Specialty Surgery Center	1:13-cv-12923-FDS
John Johnson v. Unifirst Corporation A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC	2:13-cv-0099
Edna Keyes v. NECC d/b/a new England Compounding Center, Barry J. Cadden, Lisa M. Cadden, Gregory Conigliaro, Carla Conigliaro, Douglas Conigliaro, Glenn A. Chinn, Ameridose, LLC, Medical Sales Managements, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Biopharma, Inc., Specialty Surgery Center, PLLC, Cookeville Regional Medical Center Auxiliary Lifeline, Cookeville Regional Medical Group, Inc.	2:13-cv-00109
William Lapiska v. Unifirst Corporation, D/B/A Uniclean Cleanroom Services, and Specialty Surgery Center, PLLC d/b/a Specialty Surgery Center	1:13-cv-12914-FDS
Sherry A. McDavid, individually and next of kin of David F. McDavid, deceased	1:13-cv-12742-FDS
Darwin L. Nealon, as son, next of kin to and as the Administrator of the Estate of Dallas Ray Nealon, deceased v. Ameridose, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Bio Pharma, Inc., D/B/A Analytical Research laboratories, Barry J. Cadden, Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla Conigliaro, Glenn A. Chin, Specialty Surgery Center, PLLC and Unifirst Corporation A/D/B/A Uniclean Cleanroom Services	1:13-cv-12491-FDS
Jocelyn Kae Norris v. Unifirst Corporation, D/B/A Uniclean Cleanroom Services, and Specialty Surgery Center, PLLC, D/B/A Specialty Surgery Center	1:13-cv-12682-FDS
James Palmer and wife, Michelle Palmer v. Unifirst Corporation, D/B/A Uniclean Cleanroom Services and Specialty Surgery Center	1:13-cv-12688-FDS
Wanda L. Reed and J.E. Reed v. Ameridose, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., GDC Properties Management, LLC, ARL Bio Pharma, Inc., D/B/A Analytical Research laboratories, Barry J. Cadden,	1:13-cv-12917-FDS

Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla Conigliaro, Glenn A. Chin, Specialty Surgery Center, LLC and Unifirst Corporation a/d/b/a Uniclean Cleanroom Services.	
Janice K. Rhind and Christopher G. Rhind v. Unifirst Corporation A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, Kenneth Lister M.D., P.C., and Kenneth R. Lister, M.D.	1:13-cv-12740-FDS
Shirley Savercool and Donald Savercool v. Unifirst Corporation A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, and Kenneth R. Lister	1:13-cv-12583-FDS
Paula K. Smith and Jim F. Smith v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Center, PLLC, Kenneth Lister, M.D., P.C. and Kenneth R. Lister, M.D.	1:13-cv-12684-FDS
Dale Willis v. Unifirst Corporation, A/D/B/A Uniclean Cleanroom Services, Specialty Surgery Center, PLLC, and Kenneth R. Lister	1:13-cv-12597-FDS

Pursuant to this Court's Qualified Protective Order entered on June 21, 2013 creating the repository, the Court expressly provided that "[i]n the event Defendants wish to use documents, data or other information produced pursuant to the subpoenas and this Order, they may seek permission of the Court to do so." [Dkt. No. 192, ¶ 6]. Accordingly, the Defendants request the Court enter an order which grants them access to the documents contained in the Rust/Omni repository. The Defendants will pay a reasonable fee for access to these documents, if necessary.

WHEREFORE, the Defendants respectfully request that this Court enter an order granting the Defendants access to the documents contained in the Rust/Omni repository which relate to the cases listed above.

Respectfully submitted,

/s/ Kent E. Krause

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<sup>1</sup> Admitted *pro hac vice*

\*Admitted pursuant to MDL Order No. 1

\*\*Admitted *pro hac vice*

**CERTIFICATE OF CONFERENCE**

To the extent this is considered a discovery related motion, I hereby certify that counsel for the defendants met and conferred with counsel for the plaintiffs in a good-faith effort to resolve gaining access to these documents. The parties all agreed that given the prior Order of this Court, it is necessary to move the Court in order to gain access to these documents.

/s/ Kent E. Krause  
**KENT E. KRAUSE**

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be served via electronic mail or regular US mail to those participants identified as unregistered this the 3rd day of December, 2015.

/s/ Kent E. Krause  
**KENT E. KRAUSE**